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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMAL WILLIAM,

Defendant.

Case No. 2:17-cr-124-JAD-EJY
ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE SELF-SURRENDER
DATE

(First Request)

ECF No. 406

CERTIFICATION: This Motion is timely filed.

COMES NOW, the Defendant, JAMAL WILLIAM, by and through counsel undersigned, KRISTINE M. KUZEMKA, ESQ., and moves this Honorable Court for an Order continuing Mr. William's self-surrender date to the Bureau of Prisons for the purpose of obtaining necessary medical treatment.

DATED this 15th day of October, 2019.

Respectfully submitted,

/s//KRISTINE M. KUZEMKA
KRISTINE M. KUZEMKA, ESQ.
Nevada Bar #8836

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On July 29, 2019, Defendant, Jamal William was sentenced by this Honorable Court to serve nine (9) months in prison with 3 years of supervised release thereafter. He was ordered to self-surrender on October 28, 2019, before 12 pm. Subsequent to the sentencing, Defense Counsel was made aware of a health issue complication not known at the time of sentencing. (See Exhibit A, Memorandum from Mark J Cirella, M.D. and the Centennial Surgery Center Scheduling Order) Mr. William has a scheduled Caudal ESI procedure on November 13, 2019 at 8:20 am. Mr. William will need to follow up after this procedure every thirty days. Therefore, this unopposed motion is submitted to request this Court consider continuing Mr. William's self-surrender date no sooner than seventy-five (75) days.

DISCUSSION

This Court has the inherent authority to extend Mr. William's self-surrender date to the Bureau of Prisons under 18 U.S.C. § 3143(a), which reads in pertinent part:

(a) Release or detention pending sentence. (1) Except as provided in paragraph (2), the judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment, be detained, **unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c).** If the judicial officer makes such a finding, such judicial officer shall order the release of the person in accordance with section 3142(b) or (c).

Thus, pursuant to 18 U.S.C. § 3143(a), this Court has the authority to permit Mr. William to voluntarily report to prison if it is determined by “clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or community.” Mr. William submits that 18 U.S.C. § 3143(a) gives this Court the inherent authority to continue his self-surrender date as long as he is not a danger to the community or a flight risk. As this Court knows, Mr. William’s has been completely complaint with all of the conditions of pretrial release since July, 2018, and as the Court previously has determined in allowing him to remain at liberty, even after his conviction and sentencing, he is neither a danger to the community nor a flight risk.

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Additionally, 18 U.S.C. § 3145(c) allows a person subject to detention to be ordered released if it is clearly shown why there are exceptional reasons why the person's detention would not be appropriate. Exceptional circumstances exist where there is a "a unique combination of circumstances giving rise to situations that are out of the ordinary." United States v. DiSomma, 951 F.2d 494, 497 (2d Cir. 1991). Mr. William submits he reported to Pretrial Services after sentencing and discussed the scheduled surgery for September 3, 2019 with his new officer. Mr. William advised he has to have follow up care and treatment every 30 days post-surgery. The pretrial officer explained that Mr. William will not be transported for his follow up care while in custody of the Bureau of Prisons. Subsequently, Mr. William was scheduled for another ESI procedure to take place on November 13, 2019.

Here, because Mr. William meets the requirements under 18 U.S.C. § 3143(a) and 18 U.S.C. § 3145(c), and he remains in compliance with the current conditions of his release, he respectfully requests this Court issue an Order continuing his self-surrender date for no sooner than seventy-five (75) days. Allowing this continuance will give Mr. William enough time to receive necessary follow up medical care before surrendering to the BOP. Such a continuance will provide for two thirty (30) day follow up appointments after the November 13, 2019, ESI procedure.

Counsel for Mr. William has spoken to Assistant United States Attorney Robert Knief, and he has no objection to continuing Mr. William's self-surrender date for no sooner than seventy-five (75) days.

CONCLUSION

Based on the foregoing, Mr. William respectfully requests this Honorable Court to continue his self-surrender date for no sooner than seventy-five (75) days.

DATED this 15th day of October, 2019.

Respectfully submitted,

/s//KRISTINE M. KUZEMKA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

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Defendant.

Case No. 2:17-cr-124-JAD-EJY

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Unopposed Motion to Continue Self-Surrender Date of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant seeks this continuance for a medial procedure scheduled for November 13, 2019.
2. The parties agree to the continuance of the self-surrender reporting date to the Bureau of Prisons.
3. Continuing the self-surrender reporting date, no sooner than seventy-five (75) days will provide for the ESI procedure and subsequent follow up visits.

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1 **CONCLUSIONS OF LAW**

2 The ends of justice are served by granting said continuance for self-surrender to the Bureau of
3 Prisons (BOP). Mr. William meets the requirements under 18 U.S.C. § 3143(a) and 18 U.S.C. §
4 3145(c). Mr. William remains in compliance with the current conditions of his release.

5 **ORDER**

6 Good cause appearing, and as the Government does not oppose the request, IT IS
7 HEREBY ORDERED that the motion to continue self-surrender date [406] is GRANTED.
8 Defendant William must self-surrender to the designated BOP by noon on January 13, 2020.

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11 Dated this 22nd day of October, 2019.

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15 UNITED STATES DISTRICT JUDGE
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